

MELLON DEPOSITION

1 BY MR. MASTERSON:

2 Q. Mr. Mellon, when did you decide to file a
3 Federal lawsuit against TIGHAR?

4 A. I don't remember. January some time?

5 Q. And what was the straw that broke your back?
6 What was it that made you decide this was the way to
7 go?

8 A. I think there were three things that kind of
9 came together at roughly the same time. One was
10 Mr. Glickman's, I would say, lack of qualifications
11 considering what I thought they should be. Another
12 was the discovery of the Cook photograph, which had
13 not been disclosed to me until I saw -- I visited
14 Mr. Glickman, which was way after the -- in December
15 after the 2012 expedition. And the third thing was
16 Mr. Gillespie's shutting down the discussion on
17 anything underwater.

18 Q. You never spoke with anyone from TIGHAR
19 before filing suit, told them that you were going to,
20 correct?

21 A. I don't believe so.

22 Q. Or Mr. Gillespie, correct?

23 A. No.

24 Q. Let me talk to you about your Complaint.
25 I'm going to mark this as Deposition Exhibit Number

GILLESPIE DEPOSITION

1 Q. And did the discovery -- or did Jeff's
2 report on the Bevington object, did that change in
3 any respect the focus of TIGHAR's work or the
4 emphasis of different aspects of its work?

5 A. Well, the work was still trying to find some
6 conclusive evidence that the Earhart plane crashed or
7 landed on Nikumaroro. And what it did was reinforce
8 a line of investigation that had previously
9 indicated, yeah, the airplane looks like it landed
10 right in that area someplace, was later washed off
11 the reef and -- you know, this -- this -- this didn't
12 change our focus, this just reinforced the focus that
13 we had.

14 Q. Okay. And so, for example, the underwater
15 searching you had done in 2010, that is not
16 inconsistent with what you found or it wouldn't have
17 been undermined by what you found --

18 A. No.

19 Q. -- with the Bevington object?

20 A. No.

21 Q. In fact, do you feel like the Bevington
22 object reinforced your instinct to search that area
23 underwater?

24 A. Sure, yes.

25 Q. Mr. Gillespie, that's Deposition Exhibit

1 Cook photo. No, of course not. That's pictures of
2 the wheel in the water. That's the Bevington photo.
3 Because I -- I -- I didn't release the Cook photo to
4 anybody until I had a release from Craig Cook, and
5 that wasn't until after the expedition, I don't
6 think. Well after the expedition. No, this has got
7 to be the Bevington object that we're referring to.

8 Q. And you gave him a picture the Bevington
9 object?

10 A. Yeah, I -- that would be no problem, giving
11 him a picture of the Bevington object.

12 Q. Did you ever provide a copy of that picture
13 to Mr. Mellon before he made his donation?

14 A. I couldn't. I had -- I had only received a
15 copy of the picture myself shortly before this time
16 period. I don't remember the exact date, but I think
17 it was a little bit before. But we only got a copy
18 of the picture after signing a quite strict
19 nondisclosure agreement. We couldn't tell anybody we
20 had it, we couldn't tell anybody anything about it.
21 We purely had it for research purposes. And it took
22 me a long time to get him to rescind that and drop
23 that so we could talk about it.

24 Q. And that's the Cook photo you're talking
25 about?

1 game plan for using the ROV --

2 A. Uh-huh.

3 Q. -- in 2010. What was the game plan for use
4 of the ROV in 2012?

5 A. The game plan for using the ROV in 2012 was
6 for the autonomous underwater vehicle, the AUV with
7 side scan sonar, which is a torpedo-looking thing
8 that goes in the water by itself and goes off and
9 does whatever, that is going to take side scan sonar
10 images of the reef. And that was going to give us
11 sonar returns of objects that were worth
12 investigating, so we'd have targets. And then we
13 would use the ROV to investigate those targets.

14 Well, no plan survives contact with the
15 enemy. The AUV had all kinds of problems. And it
16 turns out that when you could get it to work, the
17 sonar data we'd get -- we were getting back were
18 unreliable. We chased around looking at the targets
19 they gave us a few times, and it was either
20 Norwich City debris or coral rocks. And, you know,
21 we -- if they can't get us better targets than this,
22 we're -- we're better off just mowing the lawn up and
23 down with the ROV searching. And that's -- that's
24 what we did.

25 Q. And is there -- did there come a point in

1 signed the non disclosure, I couldn't tell anybody
2 about the photo, research purposes only with a
3 limited number of people that would need to know. It
4 was just really, really restrictive.

5 And fine, and he gives us a copy of the
6 photo to look at it. Yeah, that's interesting. That
7 could be.

8 The problem was scale.

9 Q. And when did he provide you with a copy of
10 the photo?

11 A. This was a brief period before the State
12 Department event on March 20th, 2012. So I want to
13 say early March we finally got a copy of this, 2012.

14 And I looked at it and, okay, it's really
15 interesting. But there -- what's the scale? There's
16 a fish, there's a diver in the distance, how big is
17 this thing?

18 And Jeff Glickman did some research about
19 both -- oh, well, I went to the New England Aquarium
20 for information. What kind of fish is that?

21 And they said, yeah, it looks like, I think
22 they said, a squirrel fish.

23 I don't know much about fish, but I said,
24 well, how big are these things?

25 And they said, oh, you know, they're 18